

Remarks

Claims 1-17, 19-26, 28-31, 34-36, 38-39, 41, 43-45, and 47-49 are pending in this application. Claims 1-17, 19-26, 28-31, 34-36, 38-39, 41, 43-45, and 47-49 are rejected. Claims 1, 9, 19, 29, and 41 are amended herein. Claims 7, 8, and 47-49 are cancelled herein without prejudice to the filing of an eventual continuation or divisional application. Review and reconsideration in view of the amendments and remarks below are respectfully requested.

Claim Rejections under 35 USC § 103(a)

Claims 1-7, 11-17, 19-26, 28-31, 34-36, 39, and 43-45 are rejected under 35 USC § 103(a) as allegedly defining obvious subject matter over U.S. Pat. No. 4,614,450 to Neiman in view of U.S. Pat. No. 5,080,223 to Mitsuyama, and further in view of U.S. Pat. No. 4,345,394 to Sullivan. Applicant traverses the rejection.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” See, M.P.E.P. § 2143.03 (*citing, In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)*). Amended claims 1, 19, and 29 recite, in part, “wherein said at least one card pocket includes a cutout in a front panel thereof, along a lower edge of said cutout being a slit or slit edge for receiving at least part of said flap thereunder to retain said flap in a closed position wherein said flap generally covers said mouth, wherein said slit edge extends laterally beyond said cutout.” Neiman, Mitsuyama, or Sullivan do not teach or suggest a card pocket with a cutout and slit for receiving a flap, wherein the slit edge extends beyond the cutout. At least for this reason, claims 1, 19, and 29 are not obvious in view of Neiman, Mitsuyama or Sullivan. Applicant respectfully requests reconsideration of the obviousness rejection of claims 1, 19, and 29. Applicant also points out the Laugherty, cited previously with regard to claims 47-49, discloses only a slit, not a cutout and a slit, for retaining a flap.

Claims 2-6, 11-17, 20-26, 28-31, 34-36, 39, and 43-45 depend from independent claims 1, 19, and 29. As dependent claims of non-obvious independent claims, these claims are also non-obvious. See, M.P.E.P. § 2143.03 (*citing, In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)*) (“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim

depending therefrom is nonobvious.”)). Applicant respectfully requests withdrawal of the obviousness rejection of claims 2-6, 11-17, 20-26, 28-31, 34-36, 39, and 43-45. The rejection of claims 7 and 8 is moot in view of their cancellation.

Claims 1, 7, 8-10 are rejected as allegedly defining obvious subject matter over U.S. Pat. No. 6,652,178 to Walton in view of Mitsuyama in view of Sullivan and further in view of U.S. Pat. No. 3, 720,304 to Laugherty. Applicant traverses the rejection.

Amended claim 1 recites, in part, “wherein said at least one card pocket includes a cutout in a front panel thereof, along a lower edge of said cutout being a slit or slit edge for receiving at least part of said flap thereunder to retain said flap in a closed position wherein said flap generally covers said mouth, wherein said slit edge extends laterally beyond said cutout.” Walton, Mitsuyama, Sullivan, and Laugherty do not teach or suggest a card pocket with a cutout and slit for receiving a flap, wherein the slit edge extends beyond the cutout. At least for this reason, claim 1 is not obvious in view of Walton, Mitsuyama, Sullivan, and Laugherty. Applicant respectfully requests reconsideration of the obviousness rejection of claim 1.

Claims 9 and 10 depend from independent claim 1. As dependent claims of a non-obvious independent claim, these claims are also non-obvious. Applicant respectfully requests withdrawal of the obviousness rejection of claims 9 and 10. The rejection of claims 7 and 8 is moot in view of their cancellation.

Claims 1, 19, 29, 34, 38, and 41 are rejected as allegedly defining obvious subject matter over U.S. Pat. No. 6,652,178 to Walton in view of Mitsuyama in view of Sullivan. Applicant traverses the rejection.

Amended claims 1, 19, and 29 recite, in part, “wherein said at least one card pocket includes a cutout in a front panel thereof, along a lower edge of said cutout being a slit or slit edge for receiving at least part of said flap thereunder to retain said flap in a closed position wherein said flap generally covers said mouth, wherein said slit edge extends laterally beyond said cutout.” Walton, Mitsuyama, and Sullivan do not teach or suggest a card pocket with a cutout and slit for receiving a flap, wherein the slit edge extends beyond the cutout. At least for this reason, claims 1, 19, and 29 are not obvious in view of Walton, Mitsuyama, and Sullivan.

Applicant respectfully requests reconsideration of the obviousness rejection of claims 1, 19, and 29.

Claims 34, 38, and 41 depend from independent claims 1, 19, and 29. As dependent claims of a non-obvious independent claim, these claims are also non-obvious. Applicant respectfully requests withdrawal of the obviousness rejection of claims 34, 38, and 41.

Claims 47-49 are rejected as allegedly defining obvious subject matter over U.S. Pat. No. 6,652,178 to Walton in view of Mitsuyama in view of Sullivan and further in view of U.S. Pat. No. 3, 720,304 to Laugherty. The rejection of claims 47-49 is moot in view of their cancellation. However, Applicant disagrees with the Action's rejection of these claims at least in part because Laugherty fails to disclose or suggest "wherein said at least one card pocket includes a cutout in a front panel thereof, along a lower edge of said cutout being a slit edge for receiving at least part of said flap thereunder to retain said flap in a closed position wherein said flap generally covers said mouth" (emphasis added). Laugherty discloses a slit, but not a cutout.

Conclusion

The Commissioner is hereby authorized to charge any additional fees required, including any fee for an extension of time, or to credit any overpayment to Deposit Account 13-2500. The applicant(s) hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this Application which requires an extension of time as incorporating a request for such an extension.

Respectfully submitted,

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